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POSTED VIA ECF

RE: Pacheco, et al v NYC et al 14 cv 07581

The Honorable Marilyn Dolan Go
United States District Court for
the Eastern District of New York
225 Cadman Plaza
Brooklyn, NY 11201

August 20, 2015.

You Honor:

I represent the plaintiffs in this action. I am writing to resolve several discovery matters in this action. I hope the Court will agree that the plaintiff is entitled to at least a portion of the disciplinary history of the police defendants in this action. This should include records of the Civilian Complaint Review Board as well as the Internal Affairs Bureau. I have these files only for two of the nine officers named. These are so heavily redacted that I would ask the Court to review them in camera.

I requested this information in my interrogatories and document requests. The City mentioned that it needed a protective order signed. I have executed same back on June 25, 2015 and it was filed with the Court almost one month ago. I have also tried to resolve this matter without contacting the Court. These efforts have included a voicemail to my adversary Elissa Jacobs of the Law Department and a copy of this letter in advance of sending same with a request that she contact me. The letter was sent via email and fax. I cannot get an answer as to when the rest of the material will be provided and ask the Court to set a date certain for same. Based upon prior experience I feel the only way this will be resolved is with the assistance of the Court.

I respectfully request the Court order production of the full disciplinary files on the defendants so as to permit discovery of the identities of the complainants, names of specific cases and allegations, and all other identifying information. It is well settled that such information is discoverable. This is so even if it is determined that such allegations were ultimately unsubstantiated. *Young v the City of New York*, 2010 WL 4205856, *1 (S.D.N.Y. Oct. 7, 2010.) *Zhou v the City of New York*, 2007 WL 4205856 * 1 (S.D.N.Y. Nov 21, 2007)

In addition, the City been in possession of a copy of a video tape of this incident provided by me for several months. There are over a dozen police officers whose faces are clearly viable on this tape. We have the names of but nine. I think that a reasonable period of time has passed

and that the City should be ordered to produce all those names now.

I thank the Court for its attention and consideration.

MC/ll

Very Truly Yours,

/s/

This is an Electronic Signature

Michael Colihan

cc: Law Department- Via ECF